

Contract User Guide for ITC56

ITC56: Oracle Equipment and Related Services

UPDATED: March 2, 2021

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|--------------------------------|--|
| Contract #: | ITC56 |
| MMARS MA #: | ITC56* |
| Initial Contract Term: | March 30, 2017 to March 30, 2018 |
| Maximum End Date: | July 31, 2021 |
| Current Contract Term: | March 12, 2020 to July 31, 2021 |
| Contract Manager: | Marge MacEvitt, 617-720-3121, marge.macevitt@mass.gov |
| This Contract Contains: | Volume Discounts |
| UNSPSC Codes: | 81-11-18-00 – Computer Maintenance and Support, 43-21-00-00 – Computer Equipment and Accessories |

*The asterisk is required when referencing the contract in the Massachusetts Management Accounting Reporting System (MMARS).

Table of Contents:

(NOTE: To access hyperlinks below, scroll over desired section and CTL + Click)

- [Contract Summary](#)
- [Benefits and Cost Savings](#)
- [Find Bid/Contract Documents](#)
- [Who Can Use This Contract](#)
- [Subcontractors](#)
- [Pricing, Quotes and Purchase Options](#)
- [Instructions for MMARS Users](#)
- [Contract Exclusions and Related Statewide Contracts](#)
- [Shipping/Delivery>Returns](#)
- [Additional Information/FAQ's](#)
- [Performance and Payment Time Frames Which Exceed Contract Duration](#)
- [Strategic Sourcing Team Members](#)
- [Vendor List and Information](#)

TIP: To return to the first page throughout this document, use the CTL + Home command.

Contract Summary

This is a Statewide Contract for Oracle Equipment and Related Services. Equipment includes Oracle Servers, Storage and Engineered Systems. Oracle Engineered systems are designed specifically to run Oracle Database, and include the Oracle Exadata Database Machine, used by several Commonwealth entities. Services include

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Updated: March 2, 2021

Page 1 of 7



hardware related services such as support and installation. Pricing is a discount over list pricing, negotiable for quantities greater than one.

Services under this contract may include warranty services, maintenance, installation, de-installation, factory integration, asset management, migration, product optimization, recycling/disposal, training and certification, pre-implementation design, disaster recovery planning and support, service desk/helpdesk, and any other technical support required for effective operation of the product.

Please see [Contract Exclusions and Related Statewide Contracts](#) for goods and services that may not be obtained under this contract.

Benefits and Cost Savings

Statewide contracts are an easy way to obtain benefits for your organization by leveraging the Commonwealth's buying power, solicitation process, contracting expertise, vendor management and oversight, and the availability of environmentally preferable products.

Discounts are available for high volume purchases (over \$2,500,000 on a purchase order) and may be negotiable for hardware purchases greater than a quantity of one (1).

Find Bid/Contract Documents

- To find all contract-specific documents, visit COMMBUYS.com and search for ITC56 to find related Master Blanket Purchase Order (MBPO) information.
- To link directly to the MBPO for ITC56 visit [Master Blanket Purchase Order PO-17-1080-OSD03-SRC01-10630](#)

Who Can Use This Contract

Applicable Procurement Law

Executive Branch Goods and Services: Applicable Procurement Law: MGL c. 7, § 22; c. 30, § 51, § 52; 801 CMR 21.00

Eligible Entities

Please see the standard list of Eligible Entities on our [Eligible Entities which may use Statewide Contracts](#) webpage.

Subcontractors

The awarded vendor's use of subcontractors is subject to the provisions of the Commonwealth's Terms and Conditions and Standard Contract Form, as well as other applicable terms of this Statewide Contract.

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Updated: March 2, 2021

Page 2 of 7



Pricing, Quote and Purchase Options

Purchase Options

The purchase options identified below are the only acceptable options that may be used on this contract:

- Direct, outright purchase (includes purchase of licenses and support agreements)
- Fee for Service

Pricing Options

Discount off the Vendor Catalog Price: Contract pricing is a specified discount off the vendor catalog. Volume discounts may be negotiable for hardware quantities of greater than one (1). Purchase orders for \$2,500,000 are entitled to an additional 1% discount applicable to the hardware on the purchase order.

Product/Service Pricing and Finding Vendor Price Files

See Oracle's [Price Catalog](#) for pricing information (also posted on COMMBUYS, see [Find Bid/Contract Documents](#)).

Oracle Premier Technical Support is provided at 12% of the net hardware purchase price for the first year. Your order may be renewed annually and, if renewed for the same systems and same configurations, for the first and second renewal years the technical support fee will not increase by more than 4% over the prior year's fees. Visit Oracle Hardware and Systems Support Policies at <https://www.oracle.com/support/policies.html> for additional information.

Quotes are guaranteed for the amount of time specified on the quote.

Purchase orders for \$2,500,000 are entitled to an additional 1% discount applicable to the hardware on the purchase order.

Setting Up a COMMBUYS Account

COMMBUYS is the Commonwealth's electronic Market Center supporting online commerce between government purchasers and businesses. If you do not have one already, contact the COMMBUYS Help Desk to set up a COMMBUYS buyer account for your organization: (888)-627-8283 or OSDHelpDesk@mass.gov.

When contacting a vendor on statewide contract, always reference ITC56 to receive contract pricing.

How to Purchase from the Contract

Contact your Oracle representative (see [Vendor List and Information](#)) to determine what items and services are needed, and prepare an Ordering Document.

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Updated: March 2, 2021

Page 3 of 7

Important: Once placed, orders are non-cancelable except as provided in Ordering Document. Changes prior to shipment may be subject to a change order fee. See <http://oracle.com/contracts> for additional information.

To avoid being charged Massachusetts sales tax, you must provide Oracle with a valid Massachusetts Tax Exemption Certificate. Include this with your Ordering Document or obtain a written statement from your Oracle representative that such certificate has already been provided, and include the statement in your procurement file.

Non-COMMBUYS users should follow their Agency's process for purchasing from a Statewide Contract when competitive quotes are not required.

COMMBUYS USERS

- **Directly purchase a non-fixed item (\$0 line item) through COMMBUYS**

For a full description of how to complete a requisition in COMMBUYS visit the [Job Aids for Buyers](#) webpage, and select:

- The *COMMBUYS Purchase Orders* section, and choose the *How to Create a Requisition and Purchase Order (Contract Purchase)* job aid.
- Attach the draft Ordering Document and Purchase Order to the Requisition.

- **Establishing a Purchase Order for Partial Payments**

In these cases, enter the PO for the full amount (known or estimated), as per the instructions above, and process partial receipts as you receive billing from the vendor. In such purchase orders insert the following language in the special instructions box of the PO: " This Purchase Order represents the total estimated expenditure for this engagement (insert brief description), against which (identify department) will execute partial receipts in COMMBUYS upon receipt and approval of invoices, in order to record the work accomplished according to the agreed upon engagement terms. All estimated expenditures are subject to reconciliation based on invoices rendered for agreed-upon delivery of goods and/or services."

Attach your Purchase Order to the "Attachments" tab of your requisition.

Instructions for MMARS Users

MMARS users must reference the MA number in the proper field in MMARS when placing orders with any contractor.

Contract Exclusions and Related Statewide Contracts

[ITS64](#) is the Oracle Software Contract and must be used for any software or services purchases other than software or services required to operate the hardware available under ITC56.

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Updated: March 2, 2021

Page 4 of 7

ITC56 does NOT include:

1. Audiovisual products (digital cameras, televisions, whiteboards, etc.) except whiteboards, which can be sold as part of the Instructional Bundles, but not as stand-alone items. See [OFF40](#) or successor contract for audiovisual products;
2. General consulting and all forms of application development and programming services are excluded. See [ITS64](#), the Oracle Software contract, or [ITS74](#), IT Project Services;
3. Hardware not shown in the Oracle [Price Catalog](#) for this contract; and/or
4. Cloud, managed print, and internet services are excluded. Cloud services are available under [ITS60](#), managed print under [ITS69](#), and internet under [ITT46](#).

Shipping/Delivery/Returns

Shipping Charges: None, unless expedited or other special shipping is ordered by the Eligible Entity.

Defective/incorrectly delivered items: Oracle will pay for return shipment by Eligible Entity and replace free of charge.

Acceptance: Items not accepted or rejected within 30 days of delivery will be deemed to be accepted. The acceptance terms, if any, must be specified in the Ordering Document.

Partial Shipments: The "payment clock" is separate for each item of a partial shipment, unless "No partial shipments" is specified on the Ordering Document.

Additional Information/FAQs

Order of Precedence

The order of precedence is as follows:

1. The Commonwealth Terms and Conditions, as clarified,
2. The Commonwealth Standard Contract Form, as clarified,
3. The Participating Addendum,
4. The Master Agreement (excluding the RFP and Oracle's response to the RFP),
5. The RFP, as modified by the accepted terms of Oracle's response to the RFP,
6. Oracle ordering document.

The clarifications to the Commonwealth Terms and Conditions and the Commonwealth Standard Contract form appear in the Participating Addendum, found on COMMBUYS under [ITC56](#).

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Updated: March 2, 2021

Page 5 of 7



This order of precedence means that conflicting terms in Oracle's preprinted, online, or other documents are overruled by the Commonwealth's terms (as clarified). Please note, the Standard Contract Form used for ITC56 is the version from 3/21/2014.

Performance and Payment Time Frames Which Exceed Contract Duration

All term leases, rentals, maintenance or other agreements for services entered into during the duration of this Contract and whose performance and payment time frames extend beyond the duration of this Contract shall remain in effect for performance and payment purposes (limited to the time frame and services established per each written agreement). No new leases, rentals, maintenance or other agreements for services may be executed after the Contract has expired.

Strategic Sourcing Team Members

- Tim Kennedy, Operational Services Division

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Updated: March 2, 2021

Page 6 of 7

Contract User Guide for ITC56

Vendor List and Information*

| Vendor | Master Blanket Purchase Order # | Contact Person Role | Contact Person Name | Contact Person Telno | Contact Person email |
|----------------------|--|----------------------|---------------------|----------------------|--------------------------|
| Oracle America, Inc. | Master Blanket Purchase Order PO-17-1080-OSD03-SRC01-10630 | Contract Manager | Andrea Tyson | 770-351-3797 | Andrea.archie@oracle.com |
| Same as above | Same as above | Sales Representative | Seth Roberts | 845-337-1246 | Seth.roberts@Oracle.com |
| Same as above | Same as above | Sales Representative | Jason Langus | 914-262-9864 | Jason.langus@Oracle.com |

*Note that COMMBUYS is the official system of record for vendor contact information.

**The Master MBPO is the central repository for all common contract files. [Price files may be found in the individual vendor's MBPO.]

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Updated: March 2, 2021

Page 7 of 7